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5 Attorneys for Defendants  
6 OFFICER HERNANDEZ and  
OFFICER ESTRADA

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

\*E-FILED - 9/20/06\*

11 ALFREDO BARAJAS; MARCO ) CASE NO. C-05-01934 -RMW  
12 HERNANDEZ )  
13 Plaintiffs, ) STIPULATION AND ~~PROPOSED~~ ORDER  
14 v. ) FOR DISMISSAL OF ACTION  
15 OFFICER HERNANDEZ, BADGE NO. 2538, )  
16 individually and in his capacity as a San Jose )  
17 police officer; OFFICER ESTRADA, BADGE )  
18 NO. 1978, individually and in his capacity as a )  
19 San Jose police officer; JOHN DOE and )  
20 RICHARD ROE, individually and in their )  
21 capacities as police officers for the City of San )  
22 Jose, the identity and number of whom are )  
23 unknown to plaintiff; THOMAS WHEATLEY, )  
d.b.a. TRINE'S CAFÉ; DOES 2 through 50 )  
Defendants. )

24       **IT IS HEREBY STIPULATED** by and between the parties hereto, through their  
25 respective counsel of record, that the above-entitled action be dismissed with prejudice, each party  
26 to bear its own costs and fees.

27 | //

28 | //

1 IT IS SO STIPULATED

2 DATED: August 5, 2006

LAW OFFICE OF ANTHONY BOSKOVICH

3 By

4 Anthony Boskovich  
5 Attorneys for Plaintiffs

6 DATED: July       , 2006

CITY OF SAN JOSE

7 By

8 Robert Burchfiel  
9 Sr. Deputy City Attorney  
10 Attorneys for Defendant CITY OF SAN JOSE

11 DATED: July       , 2006

12 LONG & LEVIT LLP

13 By

14 Beth A. Trittipo  
15 Attorney for Defendant LA CUMBRE  
16 ENTERPRISES, INC. dba CLUB CARIBE

17 DATED: July       , 2006

18 LAW OFFICE OF JUSTIN JAMES

19 By

20 Justin James  
21 Attorney for Defendant MARIA PEREZ dba  
22 TRINE'S CAFÉ

23 DATED: July AUG 30, 2006

24 LEWIS BRISBOIS BISGAARD & SMITH LLP

25 By

26 Peggy S. Doyle  
27 Attorneys for Defendants OFFICER  
28 HERNANDEZ and OFFICER ESTRADA

1 IT IS SO STIPULATED

2 DATED: July       , 2006

LAW OFFICE OF ANTHONY BOSKOVICH

3

4

By

Anthony Boskovich  
Attorneys for Plaintiffs

5

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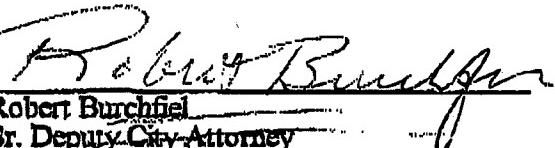
DATED: July 31, 2006

CITY OF SAN JOSE

7

8

By

  
Robert Burchfiel  
Sr. Deputy City Attorney  
Attorneys for Defendant CITY OF SAN JOSE

9

10

DATED: July       , 2006

LONG & LEVIT LLP

11

12

By

Beth A. Trittipo  
Attorney for Defendant LA CUMBRE  
ENTERPRISES, INC. dba CLUB CARIBE

13

14

DATED: July       , 2006

LAW OFFICE OF JUSTIN JAMES

15

16

By

Justin James  
Attorney for Defendant MARIA PEREZ dba  
TRINE'S CAFE

17

18

DATED: July       , 2006

LEWIS BRISBOIS BISGAARD & SMITH LLP

19

20

By

Peggy S. Doyle  
Attorneys for Defendants OFFICER  
HERNANDEZ and OFFICER ESTRADA

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STIPULATION AND [PROPOSED] ORDER FOR DISMISSAL OF ACTION

STIPULATION AND [PROPOSED] ORDER FOR DISMISSAL OF ACTION

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TELEPHONE (415) 362-2580

1 IT IS SO STIPULATED

2 DATED: August \_\_\_, 2006

LAW OFFICE OF ANTHONY BOSKOVICH

3  
4 By \_\_\_\_\_  
5 Anthony Boskovich  
Attorneys for Plaintiffs

6 DATED: July \_\_\_, 2006

CITY OF SAN JOSE

7  
8 By \_\_\_\_\_  
9 Robert Burchfiel  
10 Sr. Deputy City Attorney  
11 Attorneys for Defendant CITY OF SAN JOSE

12 DATED: *August* July 21, 2006

13 LONG & LEVIT LLP

14 By *Beth A. Trittipo* \_\_\_\_\_  
15 Beth A. Trittipo  
16 Attorney for Defendant LA CUMBRE  
17 ENTERPRISES, INC. dba CLUB CARIBE

18 DATED: July \_\_\_, 2006

LAW OFFICE OF JUSTIN JAMES

19 By \_\_\_\_\_  
20 Justin James  
21 Attorney for Defendant MARIA PEREZ dba  
22 TRINE'S CAFÉ

23 DATED: July \_\_\_, 2006

LEWIS BRISBOIS BISGAARD & SMITH LLP

24 By \_\_\_\_\_  
25 Peggy S. Doyle  
26 Attorneys for Defendants OFFICER  
27 HERNANDEZ and OFFICER ESTRADA

1 IT IS SO STIPULATED  
2

3 DATED: July \_\_\_, 2006

LAW OFFICE OF ANTHONY BOSKOVICH

4 By \_\_\_\_\_  
5

Anthony Boskovich  
Attorneys for Plaintiffs

6 DATED: July \_\_\_, 2006

CITY OF SAN JOSE

7  
8 By \_\_\_\_\_  
9

Robert Burchfiel  
Sr. Deputy City Attorney  
Attorneys for Defendant CITY OF SAN JOSE

10 DATED: July \_\_\_, 2006

LONG & LEVIT LLP

11  
12 By \_\_\_\_\_  
13

Beth A. Trittipo  
Attorney for Defendant LA CUMBRE  
ENTERPRISES, INC. dba CLUB CARIBE

14 DATED: July 31, 2006

LAW OFFICE OF JUSTIN JAMES

15  
16 By \_\_\_\_\_  
17

Justin James  
Attorney for Defendant MARIA PEREZ dba  
TRINE'S CAFE

18 DATED: July \_\_\_, 2006

LEWIS BRISBOIS BISGAARD & SMITH LLP

19  
20 By \_\_\_\_\_  
21

Peggy S. Doyle  
Attorneys for Defendants OFFICER  
HERNANDEZ and OFFICER ESTRADA

## ORDER

Pursuant to stipulation of the parties and good cause appearing therefor,

IT IS HEREBY ORDERED that the above-entitled action be dismissed with prejudice, each party to bear its own costs and fees.

DATED: 9/20, 2006

/S/ RONALD M. WHYTE  
HONORABLE RONALD M. WHYTE  
Judge of the United States District Court

**LEWIS BRISBOIS BISGAARD & SMITH LLP**  
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SAN FRANCISCO, CALIFORNIA 94104  
TELEPHONE (415) 362-2580

## **PROOF OF SERVICE**

*Barajas v. Hernandez* - Northern District of California Court Case No. C-05-01934

**STATE OF CALIFORNIA, COUNTY OF SAN FRANCISCO**

I am employed in the County of San Francisco, State of California. I am over the age of 18 and not a party to the within action. My business address is One Sansome Street, Suite 1400, San Francisco, California 94104.

On this date, I served the following document described as

**STIPULATION AND [PROPOSED] ORDER FOR DISMISSAL OF ACTION**

on all interested parties in this action by placing [X] a true copy [ ] the original thereof enclosed in sealed envelopes addressed as follows:

***SEE ATTACHED SERVICE LIST***

- [ ] (BY FACSIMILE) The facsimile machine I used complied with Rule 2003(3) and no error was reported by the machine. Pursuant to Rule 2008(e)(4), I caused the machine to print a record of the transmission.

[X] (BY MAIL, 1013a, 2015.5 C.C.P.)

[ ] I deposited such envelope in the mail at San Francisco, California. The envelope was mailed with postage thereon fully prepaid.

[X] I am readily familiar with the firm's practice for collection and processing correspondence for mailing. Under that practice, this document will be deposited with the U.S. Postal Service on this date with postage thereon fully prepaid at San Francisco, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

[ ] (STATE) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

(FEDERAL) I declare that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

Executed on September 6, 2006, at San Francisco, California.

Anna Lisa Villanueva